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Message Text

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PAGE 01 STATE 192341

43
ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 PM-07 CIAE-00 INR-10 NSAE-00

RSC-01 DODE-00 SS-15 NSC-10 /063 R

66605
DRAFTED BY: L/ARA:TABOREK
APPROVED L:MBFELDMAN
L/ARA:DAGANTZ PANCANL CO:TCONSTANT (PHONE)
ARA/PAN:RHOWARD ARA/BC/C:AISAACS (PHONE)
ARA:HSHLAUDEMAN (INFO) ARA/BC:JKARKASHIAN
---------- 079694
P 271524Z SEP 73
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO PRIORITY
INFO AMEMBASSY PANAMA PRIORITY

C O N F I D E N T I A L STATE 192341

E.O. 11652 GDS
TAGS: CI, PINT, MILI, PINS
SUBJ: TRANSIT OF CUBAN VESSEL "PLAYA LARGA" THROUGH
PANAMA CANAL

REF: A. SANTIAGO 4554
B. PANAMA 5182

1. AS REF B INDICATES, QUESTION RAISED REF A NOW MOOT BY VIRTUE OF TRANSIT OF SUBJECT VESSEL BEFORE REF A RECEIVED BY PANAMA OR DEPARTMENT. NEVERHTELESS, FOR INFORMATION OF EMBASSY SANTIAGO, CANAL REGULATIONS APPEAR TO PROVIDE SOME LEGAL BASIS FOR DELAYING OR DENYING TRANSIT TO VESSEL WITHOUT PROPER CLEARANCE FROM LAST PORT OF DEPARTURE (CF. 35 C.F.R. SECTION 101.9, 101.10). HOWEVER SUFFICIENT ADMINISTRATIVE DISCRETION IS PERMITTED SO THAT IN PRACTICE VESSELS ARE NOT REPEAT NOT NORMALLY DENIED TRANSIT ON SUCH GROUNDS. (ALSO, IT MAY BE IN INSTANT CASE THAT VESSEL HAD SUCH CLEARANCE FROM PORT AT WHICH WE UNDERSTAND IT MAY HAVE CALLED EN ROUTE FROM VALPARAISO, IN WHICH CASE CANAL REGU-
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LATIONS WOULD BE (AND APPARENTLY WERE) SATISIFIED.) IT

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SHOULD BE NOTED THAT AS MATTER OF LONG-ESTABLISHED POLICY, REGULATIONS GOVERNING TRANSIT OF CANAL ARE APPLIED IN NONDISCRIMINATRY MANNER.

2. AS GOC APPARENTLY AWARE, VESSELS IN TRANSIT OR IN CANAL PORTS ARE NOT INFREQUENTLY OBJECT OF ATTACHMENT (LIBEL) ACTIONS COMMENCED IN US DISTRICT COURT OUR CANAL ZONE. LOCAL PRIVATE ATTORNEYS REPRESENTING PLAINTIFFS IN SUCH CASES MAY BE AUTHORIZED TO FILE ACTION BY APPROPRIATE TLEX OR OTHER COMMUNCATIONS (I.E., PERSONAL APPEARANCE OF FOREIGN LAWYER NOT REPEAT NOT NECESSARY.) KISSINGER

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TAGS: PINT, MILI, PINS, CI
To: SANTIAGO
Type: TE
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